

Epps, Karen

From: Bruce Wishart <wishart.bruce@comcast.net>
Sent: Monday, July 11, 2022 3:08 PM
To: Epps, Karen; Hatfield, Robert
Subject: Comments on the "Chart of Topics"

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Karen and Rob:

I'm struggling a bit with the organization of the "Chart of Topics." I'm sending you some thoughts in this email on format changes that may help the committee to better understand and discuss these issues.

The first two topics, "conservation" and "demand management" really fit under the larger topic of "sequenced mitigation." It's our view that, before qualifying for any flexible mitigation approach, an applicant would need to demonstrate that they had fully maximized conservation / demand management options to provide water to meet their future needs.

There are then a series of different ideas that are presented which reduce or even eliminate the amount of mitigation required. Unfortunately, they are not all located in the "mitigation" section. Of course, my clients have some concerns about each of these topics. Having said that, if we are going to discuss these issues, I think it's useful to present them as separate options under the broader topic of mitigation rather than stand alone issues. Those concepts include:

- Creating a "de minimus" exception to impairment which includes cumulative impacts;
- Flexibility around in-kind, in-time and in-place;
- Source switch flexibility;
- Reducing mitigation requirements called for under current modeling; and
- Broadening of the current OCPI exception to mitigation.

Most of these would, by themselves, significantly reduce current mitigation requirements so, again, I view them more as "options" for flexibility rather than a package.

There are some other small edits that I could suggest, but I think we can muddle through the rest of it. Let me know if you have questions.

Bruce

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